IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No.2213 of 2007

Sushila S Morajkar .....Petitioner
vs
The State of Maharashtra & ors .....Respondents

Mr Badadare i/b B.G. Tangsali for petitioner
Mr N.P. Pandit AGP for State.

CORAM: SWATANTER KUMAR,C.J.,&
DR D.Y. CHANDRACHUD,J.

DATE: 17th October, 2007.

P.C.:-

Counsel appearing for the State accepts notice and waives service.

2. We have heard the learned counsel appearing for the parties. There is no dispute about the fact that the vehicle MH-04-P-2661 which has been impounded by the State is more than 8 years old and cannot be permitted to ply in the Municipal limits of Mumbai.

3. Counsel appearing for the petitioner submits that the vehicle in question is more than 8 years old and the petitioner is in fact in the process of taking out the said vehicle outside the city of Mumbai.

4. Be that as it may, the writ petition is disposed of with the direction that the vehicle shall be released to the petitioner, subject to the condition that the petitioner pays an amount of Rs.15,000/- as penalty and also files an undertaking in the court as well as with the competent authority in the State administration that the vehicle shall be taken out of Mumbai within three days from the date of its release and will not be plied on the roads of Mumbai. She shall also furnish the details as to where the vehicle is intended to be removed; with which RTO it is to be registered and in fact registered.

Subject to the satisfaction of these conditions, the writ petition is disposed of leaving the parties to bear their own costs.

CHIEF JUSTICE

DR D.Y CHANDRACHUD,J.